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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,984	08/07/2001	Jason Rupe	1732 (42059-01170)	3566

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EXAMINER

LE, KAREN L

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 01/02/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

## Office Action Summary

Application No.

09/923,984

Applicant(s)

RUPE ET AL.

Examiner

Karen Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to applicant's response filed on October 22, 2003. Claims 1-4, and 9-17 are now pending in the present application. **This action is made final.**

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Claim Rejections - 35 USC § 103*

*1-4 and 9-17*

3. Claims ~~1-4~~ and ~~9-17~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. 6,014,439), in view of Judkins et al. (6,603,854).

Regarding claims 1, 4 and 17 Walker teaches a method for call processing in a call center (Fig. 1, item 100) comprising the steps of: receiving at least one incoming telephone call over a communications network (Fig. 8a, item 805), collecting information relating to the at least one telephone call (Col. 5, lines 54-55, Col. 4, lines 53-60) presenting at least one interactive audio menu which includes options for being placed in a queue in order to speak with a selected customer service representative (Col. 2, lines 63-67), accessing one or more interactive applications while waiting in the queue and accessing only the interactive applications (Col. 2, lines 41-43); upon affirmative selection for being placed in the queue (Col. 2, lines 63-67 and Col. 3, lines 1-7), and presenting an option to be routed to the selected customer service representative upon occurrence of a detected event (col. 3, lines 21-27).

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In addition, Walker does not directly state that assigning a routing priority number for routing the at least one telephone call to the selected customer service representative based on the collected information. However, Judkins teach<sup>es</sup> that assigning a routing priority number for routing the at least one telephone call to the selected customer service representative based on the collected information (Col. 13, lines 39-45). The caller's name and telephone number are typically identified by the telephone number (~~ANI~~<sup>ANI</sup>) from which the call is made. Judkins allows a user to priotize calls based on the number dialed (DNIS), the number dialed from (~~ANI~~<sup>ANI</sup>), and the length of time in queue, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Walker's system to Judkins' system to provide better routing priority number in order to routing<sup>g</sup> the telephone call to agent based on the collected information from caller's profile.

Regarding claim 3, Walker further teaches the detected event comprises at least one of: a change in an availability status for the selected customer service representative, completion of one of the interactive applications, and a received indication from the at least one telephone call. (Fig. 8c, item 865).

Regarding claim 9, Walker further teaches a system for processing telephone calls comprising:  
a communications network interface device (Fig. 1, item 155) configurable for receiving and processing of at least one incoming telephone call and providing access to at least one interactive application; a queuing application (Fig. 2, item 210) in connection with the network interface

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(Fig. 1, item 170) which is configured to simultaneously hold the at least one incoming telephone call in a the call queue while the at least one incoming telephone call is hosted in the communications network interface (Col. 6, lines 43-45);

said communications network interface device being further configured to provide access to one or more of the at least one interactive applications while the at least one telephone call is in the call queue (Fig. 8B, item 842, 845, 850); and

a call distributing apparatus (Fig. 2, item 150) in connection with at least one communications network interface (Fig. 1, item 250 or 245 or 260). a queuing application (Fig. 2, item 210) in connection with the network interface (Fig. 1, item 170).

Walker does not teach a communication network interface is configured to route the at least one incoming call to a designated destination according to the priority number, and a network interface is configured to determine a priority number for placement of the at least one incoming telephone call in a call queue. However, Judkins teaches a communication network interface is configured to route the at least one incoming call to a designated destination according to the priority number, and a network interface is configured to determine a priority number for placement of the at least one incoming telephone call in a call queue. The caller's name and telephone number are typically identified by the telephone number (AIN) from which the call is made. Judkins allows a user to priotize calls based on the number dialed (DNIS), the number dialed from (AIN), and the length of time in queue, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Walker's system to Judkins' system to provide better routing priority number in order to routing the telephone call to agent based on the collected information from caller's profile.

Regarding claim 10, Walker further teaches the destination is a customer telephone system that supports call attendants (Fig. 1, item 160).

Regarding claim 11, Walker further teaches at least one of: the communications network interface (Fig. 1, item 170) the queuing application (Fig. 2, item 210), the all distributing apparatus (Fig. 1, item 150); are resident on central office switch in a public switched telephone network (PSTN) (Fig. 1, item 135).

Regarding claim 12, Walker further teaches at least one of the communications network interface, the queuing application, the call distributing apparatus; are resident on customer premise equipment (CPE) (Fig. 1, item 110 and 105).

Regarding claim 13, Walker further teaches the communications network interface is configured on voice response unit (VRU) interfaced with the public switched telephone network (PSTN) (Fig. 1, item 155).

Regarding claim 14, Walker further teaches the queuing application is configured on a network based application server (Fig. 2, item 205 and 150).

Regarding claim 15, Walker further teaches the call distributing apparatus is configured on an automatic call distributor (ACD) (Fig. 2, item 150).

Regarding claim 16, Walker further teaches the ACD routes the at least one incoming call to a customer PBX system over data network (Fig. 1, item 145).

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-4, and 9-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Conclusion***

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

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Hand-delivered responses should be brought to

Crystal Park II, Sixth Floor (Receptionist)

2121 Crystal Drive

Arlington, VA 22202


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Le whose telephone number is 703-308-4998. The examiner can normally be reached on Monday - Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

KLL  
Karen Le

December 23, 2003

  
AHMAD F. MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700